

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Waiver of Service of Summons

TO: Timothy N. Mathews, Esquire

I acknowledge receipt of your request that I waive service of a summons in the action of Starr v. Massachusetts Financial services Company, et al., which is case number 03-12595 in the United States District Court for the District of Massachusetts. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4.

I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if no answer or motion under Rule 12 is not served upon you within 60 days after December 30, 2003 or within 90 days after that date if the request was sent outside the United States.

1-28-04

Date

Signature

John J. Falvey, Jr., Esquire

as Counsel for:

John W. Ballen